

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

March 2, 2018

Before

DANIEL A. MANION, *Circuit Judge*
DAVID F. HAMILTON, *Circuit Judge*
AMY C. BARRETT, *Circuit Judge*

No. 17-3584	IN RE: DEJUAN B. THORNTON-BEY, Petitioner
Petition for Writ of Mandamus	
District Court No: 1:02-cr-00444-1 District Judge John W. Darrah	

The following are before the court:

1. **PETITION FOR WRIT OF MANDAMUS**, filed on December 19, 2017, by pro se Petitioner DeJuan B. Thornton-Bey.
2. **LETTER**, construed as a motion to proceed in forma pauperis, filed on January 12, 2018, by pro se Petitioner DeJuan B. Thornton-Bey.
3. **NOTICE**, construed as a motion to proceed in forma pauperis, filed on January 30, 2018, by pro se Petitioner DeJuan B. Thornton-Bey.

IT IS ORDERED that, in light of the district court's order of 2/28/2018, the petition for a writ of mandamus is **DENIED** as **MOOT**.

No. 17-3584

Page 2

This court construes appellant's letters inquiring about the filing fee as a motion to proceed in forma pauperis. Because the district court had never informed appellant that it had terminated his motion filed under Federal Rule of Civil Procedure 60(b), his petition for a writ of mandamus was not frivolous. Accordingly, **IT IS FURTHER ORDERED** that the motion for leave to proceed on appeal in forma pauperis is **GRANTED**.

form name: c7_Order_3J(form ID: 177)

CERTIFIED COPY

A True Copy

Teste:


Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

